

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

UNITED STATES OF AMERICA

VS.

4:19-CR-00631-01-JM

ANTHONY OBI

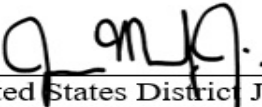
**ORDER**

Defendant's 28 U.S.C. § 2255 motion (Doc. No. 74) is DENIED.

Defendant challenges only the previous denial of his § 3582 motion, related to Amendment 821.<sup>1</sup> Such a challenge is not cognizable under § 2255.<sup>2</sup> If Defendant disagreed with the ruling, he could have filed a motion for reconsideration or appealed. He did neither.

Again, although Amendment 821 reduced Defendant's criminal history category to II, after considering all the 18 U.S.C. § 3553(a) factors and the specific facts of this case,<sup>3</sup> the current sentence of 96 months is sufficient but not greater than necessary to reflect the seriousness of the offense, promote respect for the law, and address community safety and Defendant's needs.

IT IS SO ORDERED this 17th day of July, 2024.

  
United States District Judge

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<sup>1</sup> Doc. No. 73.

<sup>2</sup> *United States v. Brito*, No. 19-CR-49-1 (JMF), 2024 WL 1834058, at \*1 (S.D.N.Y. Apr. 26, 2024) (holding that Amendment 821 relief “is properly sought pursuant to 18 U.S.C. § 3582(c)(2), not Sections 2241 or 2255”); *Livsey v. United States*, No. CR 18-143, 2024 WL 449385, at \*4 (W.D. Pa. Feb. 6, 2024) (“[A] motion under § 3582(c)(2) cannot be bootstrapped to a § 2255 motion, and so Petitioner’s argument fails.”).

<sup>3</sup> See Doc. Nos. 50, 62.